

REMARKS

Claims 7, 14 and 15 have been cancelled. The claimed features of claim 7 are included in new claim 14, the claimed features of claim 14 are included in new claim 27, and the claimed features of claim 15 are included in new claim 28.

Claim 1 is objected to as claiming one of a faucet surface and a doorknob surface. Claim 1 has been amended to delete the faucet surface and the door knob surface. Claim 16 is objected to for claiming one of a gold color, a brass color and a nickel color. Claim 16 has been amended to change “and” to “or.”

Claims 1-19 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The phrases “faucet surface” and “door knob surface” have been deleted from claim 1, overcoming the Examiner’s objection.

Claims 1-8, 10-16 and 18-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Welty (U.S. Patent No. 6,132,889) in view of Simmons, Jr (U.S. Patent No. 6,154,311). Welty discloses a coated article including a substrate 12. A single nickel layer 13 or dual nickel layers 14 and 16 are applied on the substrate 12. A layer 22 of a refractory metal or refractory metal alloy is disposed over the nickel layer. A layer 32 of refractory metal compound or refractory metal alloy compound is vapor deposited over the layer 22. A layer 34 of the reaction products of refractory metal or refractory metal alloy, oxygen and nitrogen is deposited over the layer 32. The Examiner states that Simmons teaches a layer of a hard polymer 32. The Examiner contends it would be obvious to employ a polymer layer in Welty because of Simmons, and therefore Applicant’s claims are not obvious. Applicant respectfully disagrees.

Claims 1-4, 10, 11, 16, 18 and 19 are not obvious in view of the combination of Welty and Simmons. Welty does not disclose an uncoated refractory metal or refractory metal alloy layer 22 as claimed. In Welty, the refractory metal or refractory metal alloy layer 22 is not uncoated, but is rather covered with both a layer 32 of refractory metal compound or refractory metal alloy compound and a layer 34 of the reaction products of a refractory metal or refractory metal alloy, oxygen and nitrogen. Therefore, even if a layer of hard polymer was added to the coated article of Welty, the combination does not disclose, suggest or teach an article having an uncoated layer of refractory metal compound or refractory metal alloy compound. The rejection is improper, and Applicant respectfully requests that the rejection be withdrawn.

Claims 5, 6, 8, 12 and 13 are also not obvious in view of the combination of Welty and Simmons. There is no suggestion or motivation to replace the nickel layer of Welty with a polymer layer because of Simmons. Welty teaches that acrylics, urethanes and epoxies (polymers) have been used alone as a coating (column 1, lines 9 to 26), but a drawback is that they do not provide a decorative appearance. To overcome this problem, Welty discloses employing an electroplated nickel layer in a multi-layer coating. Welty teaches against using a polymer layer in the multi-layer coating, and therefore there is no suggestion or motivation to use a polymer layer in Welty.

Additionally, Welty discloses using brighteners from class I and class II to produce a spectacularly bright nickel layer (column 2, lines 40 to 47). If the nickel layer of Welty was replaced with a polymer layer, it would not be possible to produce layer that appeared "spectacularly bright," ruining this disclosed feature. A polymer layer is not capable of being spectacularly bright. There is no motivation to replace the nickel layer of Welty with a polymer layer, and the claims are not obvious. Additionally, employing a polymer layer is less expensive and less laborious than employing a nickel layer. Applicant is the first to appreciate these benefits of using a polymer layer in a multi-layer coating. Applicant respectfully requests that the rejection be withdrawn.

The Examiner further objected to claim 9 under 35 U.S.C. §103(a) as being unpatentable over Welty in view of Simmons and Dewey (U.S. Patent No. 4,143,009). The Examiner asserts that Dewey teaches the use of an epoxy urethane, and therefore claim 9 is obvious in view of the combination of Welty, Simmons and Dewey. Applicant respectfully disagrees.

Claim 9 is not obvious in view of the combination of Welty, Simmons and Dewey. In Welty, the refractory metal or refractory metal alloy layer 22 is not uncoated as claimed, but is rather covered with both a layer 32 of refractory metal compound and a layer 34 of the reaction products of refractory metal or refractory metal alloy, oxygen and nitrogen. The combination of the references does not teach an article having an uncoated refractory metal or refractory metal alloy layer as claimed. Claim 9 depends on patentable independent claim 1 and is allowable for the reasons set forth above. Adding Dewey to the combination does not render claim 9 obvious. The combination of Welty, Simmons and Dewey does not disclose or suggest claim 9, and Applicant respectfully requests that the rejection be withdrawn.

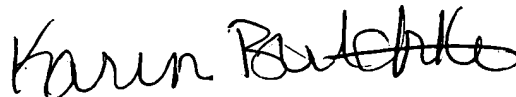
The Examiner further objected to claim 17 under 35 U.S.C. §103(a) as being unpatentable over Welty in view of Simmons and Meckel (U.S. Patent No. 6,196,936). The Examiner asserts that Meckel teaches a silver or lustrous gray color, which the Examiner is interpreting as equivalent to nickel. The Examiner argues it would be obvious to use one of the refractory metal compounds or refractory metal alloy compounds of Meckel as the color and protective layer of Welty to provide a nickel color, and therefore Claim 17 is obvious. Applicant respectfully disagrees.

Claim 17 is not obvious in view of the combination of Welty, Simmons and Meckel. Welty discloses that the layer 32 provides the appearance of polished brass (column 1, lines 41 to 42 and column 4, lines 49 to 51). If the layer 32 of Welty was substituted with a layer having a nickel color, this disclosed feature of Welty would be ruined. Welty teaches against providing a nickel color. There is no suggestion to employ a layer that provides the appearance of nickel in the combination of Welty and Simmons. Additionally, claim 17 depends on patentable independent claim 1 and is allowable for the reasons set forth above. The combination of the references does not teach an article having an uncoated refractory metal or refractory metal alloy layer as claimed. Claim 17 is not obvious, and Applicant requests that the rejection be withdrawn.

Thus, claims 1-34 are in condition for allowance. A check is included for \$1,078 for the RCE filing fee (\$770), 11 additional claims over 20 (\$198), and a one-month extension of time (\$110). No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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